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April 29, 2016

By E-Mail PDF

David Tobin, Esq.
United States Attorney's Office
One Courthouse Way
Boston, MA 02210

RE: *United States v. Tran, No. 16-CR-10010-PBS*

Dear David:

I am writing to request the following discovery in the above-captioned case pursuant to Local Rule 116.3(A). To the extent materials responsive to any of the requests contain contraband, I am of course willing to accept redacted copies in the first instance and/or view the material in camera at the U.S. Attorney's Office.

1. All agent notes of any statements by the defendant, Mr. Tran.
2. Copies of the executed search warrant, application, and return for the search of Mr. Tran's residence in Waltham.
3. All documents, including without limitation reports, logs, and inventories, concerning execution of the search warrant at Mr. Tran's residence.
4. All photographs and/or video footage taken in connection with execution of the search warrant at Mr. Tran's residence.
5. All reports concerning the forensic imaging, processing, and examination of electronic devices and media seized from Mr. Tran and/or his residence.
6. All documents relating to review and authorization of the FBI's administrative control of Website A by the Department of Justice or other governmental agencies that were involved in the Website A investigation and deployment of the Network Investigative Technique ("NIT") at issue in this case.
7. The return of and all reports, documents, and data concerning execution of the search warrant issued United States District Court (E.D. Va.) relied upon in the affidavit in support of the search warrant application for Mr. Tran's residence.

8. Documents concerning the investigation leading to the discovery of Website A in or about August 2014.
9. All “screenshot” images of Website A, including the date/time at which the screenshots were made, including without limitation screenshots of the home page, table of contents and subcategory web pages.
10. The number of CP pictures that were posted on Website A between August 20, 2014 and February 19, 2015 and between February 20 and March 4, 2015.
11. The total number of pictures that were posted on Website A between August 20, 2014 and February 19, 2015 and between February 20 and March 4, 2015.
12. The number of CP videos that were posted on Website A during those time periods;
13. The total number of videos that were posted on Website A during those time periods;
14. The number of links to CP pictures and videos that were posted on Website A during those time periods;
15. The total number of links that were posted on Website A during those time periods;
16. The number of CP pictures that were viewed and the number of CP videos that were viewed on Website A during those time periods;
17. The total number of pictures that were viewed and the total number of videos that were viewed on Website A during those time periods;
18. The total number of individually identifiable computers that visited Website A during those time periods.
19. All reports concerning the deployment and use of the NIT.
20. The total number of target computers on which the NIT was deployed.
21. The date and time at which the NIT was deployed to search Mr. Tran’s computer and returned information to the FBI in Virginia;
22. A detailed description of the computer instructions that were downloaded onto target computers, including Mr. Tran’s, and a complete copy of the NIT’s programming code;
23. The NIT results, themselves, concerning Mr. Tran’s alleged access to Website A.

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24. The data logs concerning the activity of user tt8754 on Website A.
25. Access to review a forensic image of the computer server that contained Website A. I understand this review would likely be required to be conducted at the U.S. Attorney's office in light of the contraband images allegedly on Website A.

Please contact me with any questions. Thank you for your attention to these matters.

Sincerely,

/s/ William W. Fick

William Fick

cc: Clerk, U.S.D.C. (by ECF)